PHASE•FORWARD

COMMENTS SUBMISSION: DOCKET 2004N-0133

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Submitted by:

Michael Owings
Vice President, Quality and Regulatory Compliance

Phase Forward Incorporated
880 Winter Street
Waltham, Massachusetts 02451

Phase Forward appreciates the opportunity to review and comment on 21CFR11 Docket No. 2004N-O133, Electronic Record; Electronic Signatures; Public Meeting. In general, this public meeting will address some important issues for the industry, and is very proactive on the part of FDA. However, there are some areas that may need additional consideration. Our comments reflect our experience, and that of many of our customers, in the validation of enterprise software for Internet-based clinical data management.

Specific Comments

A. Part 11 Subpart A-General Provisions

Comments:

SCOPE: Additional detail to describe the narrowed scope of Part 11 would be very valuable, and provide clarity as to the scope of part 11. In addition, specific predicate rule references containing the records required to clarify what is meant by "record and recordkeeping requirements" and "required to be maintained under predicate rules or submitted to FDA" as stated in the guidance.

The guidance states "we are now clarifying that fewer records will be considered subject to Part 11. It is recommended that this be included and expounded upon to provide additional understanding as to what the meaning and implication of "fewer records" is.

Comments:

DEFINITIONS: Additional definitions to define terms such as: validation, risk assessment, enforcement discretion etc. to support the narrowed scope and new approach to Part 11 would be valuable, and provide additional clarity. These terms/activities are interpreted in many different ways depending on the reader (Pharma, Biotech, software supplier). The guidance also references *General Principles of Software Validation* and the industry guidance *GAMP 4 Guide* 236. It is suggested that these references be included in Part 11 as supporting methodologies for compliance.

B. Part 11 Subpart B-Electronic Records

Comments:

RISK BASED APPROACH: It suggested that Part 11 identify key components of functionality and/or the system that should incorporate the concept of risk-based approach. This would also assist in defining "legacy system" and what components of the system must be considered in the risk-based

approach when a legacy system is updated. The validation guidance (withdrawn) provides an excellent guideline for evaluating validation impact etc. It is essential to know what components of a legacy system must remain unchanged if it is to remain a legacy system under Part 11.

Comments:

SEPARATION OF RECORDS MAINTAINED vs. RECORDS SUBMITTED: Given the high level of activity between FDA, Industry and software suppliers to standardize, develop, and re-define submission requirements for electronic submissions (CDISC etc) it seems reasonable to separate the requirements for records required for submissions and electronic records maintained to satisfy predicate rule requirements.

Comments:

OPEN AND CLOSED SYSTEMS: A more consistent definition of open and closed systems should be included in any revision of Part 11. The definition contained in the notice for Docket 2004-0133 refers to the administration of the system and content owners. It does not define open and closed system in terms of LAN (closed) vs. Public Internet (open) as Part 11has been previously interpreted

B. Part 11 Subpart B-Individual Controls

Comments:

VALIDATION PROVISIONS: It is recommended that FDA retain the Validation provision under 11.10(b) as a means to ensure that systems meet predicate rule requirements for validation.

C. Part 11 Subpart C-Electronic Signatures

Comments:

SECURITY INVESTIGATIONS: It is recommended that Part 11 at minimum require formal investigations in the event that security breaches occur, with incident reporting, and appropriate follow-up similar to GMP incident reporting.

D. Additional Questions for Comment

Comments:

WAYS PART 11 CAN DISCOURAGE INNOVATION AND ADOPTION OF TECHNOLGY: In our experience, the manner in which Part 11 compliance has been approached by the FDA previously has discouraged innovation and adoption of technology. Previous to the latest guidance, there has not been a clear and consistent message from FDA with regard to the scope of Part 11 and means by which to comply with Part 11. As a result, industry has either gone overboard in attempt to comply, or conversely postponed implementation or ignored technology completely. The latest guidance and this public meeting serve to rectify this, and should encourage innovation as a result.

Comments:

POTENTIAL CHANGES TO PART 11 TO ENCOURAGE INNOVATION: Implementation of a formal mechanism for compliance on the part of FDA would encourage innovation and adoption of technology. Similar to that of pre-NDA meetings, interactive review of compliance programs and approaches companies are taking to comply with Part 11.

Additionally, the incorporation of concepts such as configuration management (hardware/software), document management, and **trusted third party** that facilitate compliance of systems with predicate rule would also encourage innovation and adoption of technology. These concepts are actively being discussed in the industry. Inclusion of these concepts in a guidance or in Part 11 would help to "validate" these approaches to compliance.